


Notice of Allowability	Application No.	Applicant(s)	
	10/730,121	CARNEY ET AL.	
	Examiner	Art Unit	
Demetrius R. Pretlow	2863		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed December 9, 2003.
2. ☒ The allowed claim(s) is/are 16,17 and 20-35.
3. ☒ The drawings filed on 09 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>12/9/03</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Poh Chua on July 16, 2004.

The application has been amended as follows:

In claim 16, line 1, insert --thermal analysis-- before instrument.

In claim 16, line 2, insert --by an electrical sensor of a gripper device-- after instrument.

In claim 16, line 3, insert --by an optical sensor of a sample arm-- after instrument.

In claim 20, line 1, change --19-- to --16-- .

In reference to claim 31, line 2, insert --by an electrical sensor of a gripper device-- after instrument.

In reference to claim 31, line 4, insert --by an electrical sensor of a gripper device-- after instrument.

Claims 18 and 19 are cancelled.

Allowable Subject Matter

2. The best prior art of record particular, Wilhelm, Jr. et al. (US 4,816,730) teach a autosampler provides a method of mechanical position calibration whereby the

fingers and the arm assembly under operator control are commanded to move to a desired location through the use of the keyboard of the autosampler. Once the location is established, it is stored in the memory of the computer of the autosampler for future use, however Wilhelm, Jr. et al. does not teach the following claim limitations.

3. Claims 16,17,20-35 are allowed.
4. The primary reason for the allowance of claims 16-30 is the inclusion of the method step of determining both a horizontal and a vertical position of a movable component of the instrument based on said steps of detecting a conductive area of the thermal analysis instrument by a electrical sensor of a gripper device and detecting a reflective area of the thermal analysis instrument by an optical sensor of a sample arm, calibrating the thermal analysis instrument based on the position. It is these steps found in each of the claims, as it is claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.
5. The primary reason for the allowance of claims 31-33 is the inclusion of the method steps of determining a position of a movable component of the thermal analysis instrument based on the steps of detecting a conductive area of the thermal analysis instrument by a electrical sensor of a gripper device and detecting a reflective area of the thermal analysis instrument by an optical sensor of a sample arm and calibrating the thermal analysis instrument based on the

position of the moveable component. It is these steps found in each of the claims, as it is claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

6. The primary reason for the allowance of claims 34 is the inclusion of the method steps of detecting a reflective area of the thermal analysis instrument, the reflective area located on one of a cell and a calibration fixture coupled to a cell; determining a position of a movable component of the thermal analysis instrument based on said steps of detecting; and calibrating the thermal analysis instrument based on the position of the movable component. It is this step found in each of the claims, as it is claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.
7. The primary reason for the allowance of claims 35 is the inclusion of the method steps of detecting a conductive area of the thermal analysis instrument, the conductive area located on one of a cell and a calibration fixture coupled to a cell; determining a position of a movable component of the thermal analysis instrument based on said steps of detecting; and calibrating the thermal analysis instrument based on the position of the movable component.. It is this step found in each of the claims, as it is claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Demetrius R. Pretlow whose telephone number is (703) 272-2278. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (703) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Demetrius R. Pretlow



2/19/04

Patent Examiner

